

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

MATTHEW MARTINEZ,

Plaintiff

07 MAY -3 AM 10:24

CLERK ALBUQUERQUE

Vs.

No:

CIV-07-0439 JB WPL

CHRIS VALDEZ, and

THOMAS SALAZAR in their
Individual and official capacity,
Defendant

COMPLAINT

This is a Civil Rights Complaint pursuant to 42 U.S.C § 1983 Against the defendant Thomas Salazar, and Chris Valdez, New Mexico state Police Department for Deprivation of the Plaintiffs federal Constitutional Rights for the deliberate indifference to the Plaintiffs Fourth Amendment Right to be Free From Unusual search, and seizure, and acting under color of state law.

I.

JURISDICTION

The Courts Jurisdiction is hereby invoked Pursuant to 28 USC § 1343 (3), 48 USC § 1983. at all times herein stated, Plaintiff and defendant were U.S. citizens and cause of action arose in the state of New Mexico.

(Page 1)

PARTIES

II The Plaintiff is MATTHEW MARTINEZ who currently resides at P.O. Drawer 1328 Los Lunas, N.M. 87031

The Defendants are Agents with the NM state Police department and currently are employed by the NM state Police department, which is located at District 7-1 1410 N. Paseo de Orate, Espanola, NM 87532

COMPLAINT

III ON or about February 22, 2007 defendants, without due process of law, and Violation against unreasonable search and seizure, by Executing a traffic stop, and then, and there, confiscating a 2000 Pontiac Grand AM, ~~owned~~ by Elsie Martinez. However, the vehicle was being driven by her son, Matthew Martinez at the time the defendants, without notification to the legal owner, seized said vehicle on 2-22-07, and searched said vehicle without owner consent nor a submitted search warrant. The Plaintiff did not grant consent nor was a search warrant provided to him.

Furthermore, the search warrant that was provided on 2-23-07, one day after vehicle was searched, relied on Probable cause, via statement by documented information at time of Arrest, from known drug users, to wit: Heroin addicts - at which time they stated this vehicle was being -

- used, in the transportation, and distribution of drugs. it was this "Probable cause" drug addict information at time of Arrest, that was relied on to confiscate, search said vehicle, without providing a search warrant to Matthew Martinez or Plaintiff's Mother, search warrant was served to the owner, one day after the vehicle was confiscated. This surely violated Plaintiff's, Fourth Amendment Right, Against unreasonable search, and seizure, and the warrant should indicate the property to be seized. In this case the defendants seized the property, then obtained the warrant, and this violated Plaintiff's Constitutional Rights

IV

DEMAND FOR RELIEF

The Plaintiff demands injunction Relief from the court, and Money damages to be determined by a Jury Trial for the defendants Violating Plaintiff's Fourth Amendment Rights against unreasonable search, and seizure, A Jury trial to review all issues disputed, with all Material Facts. Punitive damages, special damages, and damages for Mental Anguish and general damage in the amount of \$50,000.00.

Matthew Martinez
Plaintiff's original signature

DECLARATION UNDER PENALTY OF PERJURY

the undersigned declares under Penalty of Perjury that He is The Plaintiff in The above Action, that he Read The complaint, and That the information contained in the complaint is true and correct 28 U.S.C. § 1746; 18 U.S.C. § 1621 U.S.C. § 1983

Executed at Central New Mexico Department
of Corrections in Los Lunas, N.M. ON
4/16/07 DATED.

Matthew Martinez
MATTHEW MARTINEZ
Plaintiff, Pro Se

AO 440 (Rev. 10/93) Summons in a Civil Action

United States District Court

DISTRICT OF

MATTHEW MARTINEZ

SUMMONS IN A CIVIL CASE

v.

CASE NUMBER:

THOMAS SALAZAR

TO: (Name and address of defendant)

THOMAS SALAZAR

1410 N. PASEO DEONATE

Espanola, NM 87532

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

AD 440 (Rev. 10/93) Summons in a Civil Action

United States District Court

DISTRICT OF

MATTHEW MARTINEZ

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

CHRIS VALDEZ

TO: (Name and address of defendant)

CHRIS Valdez

1410 N. Paseo de Onate

Espanola, NM

87532

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

Penitentiary of New Mexico
P.O. Box 1059
Santa Fe, New Mexico 87504
Matthew Martinez #63826
Unit: S 1 B E 106 South Facility

ALBUQUERQUE NM 871

02 MAY 2007 PM 3 T



RECEIVED
At Albuquerque NM

MAY 08 2007

United States District Court
District of New Mexico
Office of the Clerk-Suite 270
333 Lomas Blvd, N.W.
Albuquerque, NM 87102

MATTHEW J. DYKMAN
CLERK

#7102+2272 0023

